

REMARKS

This is responsive to an Office Action mailed on May 20, 2005. In the Office Action, the Examiner rejected claims 1-12 and made the rejection final. With this Amendment After Final, claims 1 and 5 have been amended. The application currently includes claims 1-12. Applicant respectfully requests entry of this Amendment After Final.

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,554,149 (hereinafter referred to as the "Schneider patent") in view of U.S. Patent No. 5,423,611 (hereinafter referred to as the "Sherrard patent"). In making the obviousness rejection, the Office Action alleges that the Schneider patent teaches a collapsible container with a durable bottom shell that is structurally similar to Applicant's claimed container having a top wall, bottom wall and side walls where the side wall is extendible between a collapsed state and an erected state. The Office Action also alleges that the Schneider patent discloses a spring supported within the side wall where a container is used to store a variety of material. The Office Action further alleges that the Sherrard patent teaches a reinforcing bag-like container having a removably attached moisture barrier placed within a container.

Based on the above allegations, the Office Action alleges that it would have been obvious for a person of ordinary skill in the art at the time of the invention was made to modify the container disclosed in the Schneider patent with a removable moisture barrier in view of teachings of the Sherrard patent, in order to keep the container contents from leaking out of the container. The Office Action also alleges that it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to place the material such as animal food into a storage container disclosed in the Schneider patent in view of the Sherrard patent to preserve the food between feedings.

Applicant respectfully disagrees that the Schneider patent in view of the Sherrard patent makes independent claim 1 as amended obvious. An element of independent claim 1 is removing the moisture barrier intact when the moisture barrier needs to be cleaned. There is no disclosure in either the Schneider patent or the Sherrard patent of removing a moisture barrier intact. The Office Action has admitted that the Schneider patent does not disclose of placing a removable moisture barrier within a container.

The Sherrard patent does not disclose the removal of a moisture barrier intact from the container. What the Sherrard patent discloses is that the liner is disposable and usable on a one-time basis (col. 4, l. 68- col. 5, l. 1). Further, when the container is in a selected position, a chute is opened at the bottom of the container and the plastic liner is slit in an area above the chute such that the contents of the container discharge through the slit and into the chute (col. 5, l. 20-25). After the contents of the container are removed through the slit and the chute, the liner is removed with the slit in the container. Therefore the liner is not removed intact as claimed by independent claim 1.

Regarding dependent claim 9, the Office Action also alleges that it would be obvious to provide the container of the Schneider et al. patent with a removably attached moisture barrier using Velcro® fasteners. However, the Office Action has provided no support for this allegation. There is no teaching in either the Schneider patent or the Sherrard patent of using a hook and loop fastening system to secure a moisture barrier to a container for storing an animal food, cat litter or animal bedding as claimed in claim 9. Therefore, the Examiner has not met his burden to support this allegation. As such, Applicant respectfully requests that the Office Action withdraw the obviousness rejection of dependent claim 9.

The Office Action also rejected independent claim 5 for the reasons stated with respect to independent claim 1. Further, the Office Action also alleged with respect to independent claim 5 that the Office Action also alleges that it would have been obvious to provide a plurality of containers at the time the invention was made in order to store a variety of material separate from one another.

Applicant respectfully disagrees with the Office Action that independent claim 5 as amended is made obvious by the Schneider patent in view of the Sherrard patent. For the reasons stated with respect to independent claim 1, neither the Schneider patent nor the Sherrard patent discloses removing a moisture barrier intact from a container that is used to contain animal feed when the moisture barrier needs to be cleaned. The Office Action admits that the Schneider patent does not disclose a use of a moisture barrier within the container that is removable. Further, for the reasons stated with respect to independent claim 1, the Sherrard patent discloses a liner that has a one-time purpose which is slit on the bottom to allow the contents of the liner to be emptied. Therefore, when the liner disclosed in the Sherrard patent is removed, the liner has a slit in the bottom surface and is not intact.

Therefore, the Schneider patent in view of the Sherrard patent does not disclose each and every element of independent claim 5. As such, independent claim 5 as amended is believed to be in allowable form. Reconsideration and allowance of independent claim 5 are respectfully requested.

Regarding dependent claim 11, the Office Action also alleges that it would be obvious to provide the container of the Schneider et al. patent with a removably attached moisture barrier using Velcro® fasteners. However, the Office Action has provided no support for this allegation. There is no teaching in either the Schneider patent or the Sherrard patent of using a hook and loop

fastening system to secure a moisture barrier to a container for storing an animal food, cat litter or animal bedding as claimed in claim 11. Therefore, the Examiner has not met his burden to support this allegation. As such, Applicant respectfully requests that the Office Action withdraw the obviousness rejection of dependent claim 11.

Dependent claim 6-8, 11 and 12 depend from independent claim 5. Because independent claim 5 is believed to be in allowable form, dependent claims 6-8, 11 and 12 are also believed to be in allowable form. Reconsideration and allowance of dependent claims 6-8, 11 and 12 are respectfully requested.

The Office Action also alleges that Applicant has provided no discussion in the specification as to why animal food is critical to the invention, as opposed to other materials. Applicant respectfully does not understand this comment made by the Office Action. Applicant has claimed an invention which is useful for storing animal feed and other animal-related products such as bedding and cat litter. Some if not all of these products, are susceptible to spoilage and/or deterioration in usefulness when moisture is absorbed into the product. Therefore, a moisture barrier is useful in extending the life of the animal products.

In contrast, the Schneider patent does not disclose a use of a collapsible container for storing feed, cat litter or animal bedding. The Sherrard patent also does not disclose the use of a collapsible container for use in storing feed, cat litter or bedding. Therefore, it is not understood what teaching or suggestion in the prior art was used to find the claims as being obvious.

Further, the Sherrard patent discloses that the liner is used to retain liquid such as melting ice within the liner such that the container walls do not become soiled. In contrast, the liner of the present invention is designed to keep moisture and other influences such as rodents and/or insects from penetrating

from outside the container and thereby contaminating and spoiling the feed, cat litter or bedding.

The liner disclosed in the Sherrard patent is used for exactly the opposite purpose of the liner claimed in the present invention. As such, there is no teaching or suggestion to combine the Schneider patent with the Sherrard patent. Therefore, Applicant respectfully requests the Office Action withdraw the obviousness rejection of claims 1-12 based upon the combination of the Schneider patent with the Sherrard patent.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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